

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RICHARD G. GIANNOTTI and RUDY
HOLESEK,

Plaintiffs,

-against-

MEMORANDUM & ORDER
15-CV-4769 (JS) (ARL)

AMERICAN LEGEND AIRCRAFT CO.,

Defendant.

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SEYBERT, District Judge:

Pending before the Court is Plaintiffs Richard G. Giannotti and Rudy Holesek's ("Plaintiffs") motion seeking a default judgment against Defendant American Legend Aircraft Co. ("Defendant"), (Docket Entry 8), and Magistrate Judge Arlene R. Lindsay's Report and Recommendation ("R&R") recommending that the Court grant Plaintiffs' motion (Docket Entry 12). For the following reasons, the Court ADOPTS Judge Lindsay's R&R in its entirety.

BACKGROUND

Plaintiffs commenced this action on August 14, 2015, seeking damages against Defendant for breach of contract. After Defendant failed to respond to Plaintiffs' Complaint, Plaintiffs moved for a default judgment on October 14, 2015. (Docket Entry 8.) On April 25, 2016, the undersigned referred Plaintiffs' motion to Judge Lindsay for an R&R on whether the motion should be

granted. (Docket Entry 10.) Judge Lindsay issued her R&R on July 26, 2016. The R&R recommends that the Court grant Plaintiffs' motion and enter judgment in favor of Plaintiffs in the amount of \$100,000.00, plus prejudgment interest of 8% per year from May 1, 2011 until the date judgment is entered. (R&R at 7.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Lindsay's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Lindsay's R&R (Docket Entry 12) is ADOPTED in its entirety and Plaintiffs' motion for a default judgment (Docket Entry 8) is GRANTED. The Court is directed to enter judgment in

favor of Plaintiffs and against Defendant in the amount of \$100,000.00, plus prejudgment interest of 8% per year from May 1, 2011 until the date judgment is entered.

The Clerk of the Court is further directed to TERMINATE Plaintiffs' letter motion at Docket Entry 9 and mark this case CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: September 26, 2016
Central Islip, New York